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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-620*

13 **DEBORAH ANNE ZIMMER, a.k.a.**
14 **DEBORAH ANNE PETERS**
15 **105 Millrich Drive**
16 **Los Gatos, CA 95030**

A C C U S A T I O N

17 **Registered Nurse License No. 263192**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about January 31, 1976, the Board of Registered Nursing issued Registered
25 Nurse License Number 263192 to Deborah Anne Zimmer, also known as Deborah Anne Peters
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
27 the charges brought in this Accusation and will expire on January 31, 2014, unless renewed.
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4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.”

“As used in Section 2761 of the code, ‘incompetence’ means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.”

1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct – Gross Negligence or Incompetence)
(Bus. & Prof. Code § 2761, subd. (a)(1))

10 9. Respondent has subjected her registered nurse license to disciplinary action under
11 Code section 2761, subdivision (a)(1), in that she has engaged in unprofessional conduct by
12 committing acts that constitute incompetence in carrying out usual certified or licensed nursing
13 functions within the meaning of California Code of Regulations section 1443. Respondent's
14 conduct represents a failure to exercise that degree of learning, skill, care and experience
15 ordinarily possessed and exercised by a competent registered nurse. The circumstances are as
16 follows:

17 10. In or about May 2011, Respondent was employed as a registered nurse with
18 Professional Homecare At Home (PHAH). PHAH required each registered nurse to make weekly
19 "care calls" to patients who received only one monthly home visit. The care calls included a list
20 of questions that the nurse would ask the patient to determine the patient's needs and the status of
21 their health. The care calls were also intended to determine whether a patient needed to be seen
22 sooner than the next scheduled visit, or whether there was a need to contact the patient's doctor.
23 PHAH also required each nurse to document their care calls in the patient's medical record.
24 PHAH provided a template specifically designed for making and documenting the care calls. The
25 template included questions for the patient related to pain and symptom control, medications,
26 ambulation, and falls.

11. While employed at PHAH, Respondent was assigned to the care of Patient 1. On or about May 3, 2011, Respondent documented making a care call to Patient 1. Respondent indicated Patient 1's responses to the various questions on PHAH's care call template. Respondent also documented that Patient 1 did not have any questions about his medical condition, medication, or home health treatment plan.

12. On or about May 9, 2011, Respondent documented making another care call to Patient 1. Respondent again indicated Patient 1's responses to the various questions on PHAH's care call template.

13. On or about May 16, 2011, Respondent called Patient 1 to schedule his next monthly home visit. Patient 1's daughter answered the phone and informed Respondent that Patient 1 had become very ill over Easter weekend. Patient 1 was admitted to the hospital on April 27, 2011, and passed away on May 3, 2011. Respondent immediately notified her supervisor of Patient 1's death.

14. Respondent's supervisor became concerned when she learned of Patient 1's death, as she knew that Patient 1 was scheduled to receive weekly care calls. Respondent's supervisor realized that Respondent should have learned of Patient 1's death two weeks prior to May 16, 2011. Respondent's supervisor asked Respondent about the weekly care calls to Patient 1, and Respondent admitted that she did not in fact make the care calls that she documented making to Patient 1 on May 3, 2011, or May 9, 2011.

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 263192, issued to Deborah Anne Zimmer, also known as Deborah Anne Peters;

2. Ordering Deborah Anne Zimmer, also known as Deborah Anne Peters to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: FEBRUARY 14, 2013

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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